VS.

FRANKIE DUPUIS.

Defendant(s).

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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA
)
Plaintiff(s),
Case No. 2:10-cr-0547-RLH-PAL

ORDER

(Motion for Sentence Reduction—#891)

Before the Court is Defendant Frankie Dupuis's **Motion for a Sentence Reduction** under Amendment 782 of 18 U.S.C. § 3582(c), filed October 17, 2014. On December 3, 2014, the Court appointed the Federal Public Defender as counsel for Frankie Dupuis, also ordering a Reduction of Sentence Report from the Probation Office for the District of Nevada.

On April 2, 2015, a Reduction of Sentence Report was filed by Wendy Beckner, Supervisory United States Probation Officer, which found that Dupuis was ineligible for any further reduction to the sentence imposed. Thereafter, the Federal Public Defender filed a Motion to Withdraw as Counsel of Record (#912), stating that after review the Federal Public Defender determined that it would not file any motions or applications for reduction of sentence. On April 8, 2015, this Court granted the Motion to Withdraw (#913) and took Dupuis's Motion under consideration.

After review of the file and the Reduction of Sentence Report, the Court finds that at Dupuis's original sentencing, the Guideline Provisions called for a sentence of between 168-210

months per count. However, the Court, at that time, found grounds for a considerable downward variance and sentenced Dupuis to 84 months per count to run concurrently with each other. No fine or restitution was ordered.

Therefore, the Court finds that the Defendant Dupuis is ineligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1, 2015. Because the Defendant Dupuis was originally sentenced to 84 months custody, pursuant to the downward variance, which is lower than the range provided by the revised Sentencing Guidelines (135 to 168 months) therefore, she is ineligible for any further reduction to the sentenced imposed.

IT IS SO ORDERED.

Dated: April 13, 2015.

Roger L. Hunt

**United States District Judge**